

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

For Public

In The Matter of Charges and)
)
Complaint Against)
)
JAMES H. SULLIVAN, M.D.,)
)
Respondent.)

Case No. 09-11593-1

FILED February 18, 2009
James C. James
CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Jean Stoess, M.A., Member, and Benjamin Rodriguez, M.D., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that James H. Sullivan, M.D., hereinafter referred to as Dr. Sullivan, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Sullivan is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on January 15, 1998 (License No. 8515), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.

2. On April 14, 2008 a Medicare recertification survey was conducted at Lake Tahoe Surgery Center where Dr. Sullivan served as Medical Director and practiced medicine as an anesthesiologist.

3. The surveyor observed two complete epidural procedures and the beginning of a third epidural procedure, each performed by Dr. Sullivan.

4. During a procedure, the surveyor observed Dr. Sullivan draw Lidocaine from a multi-dose vial to administer to his patient. The surveyor then observed Dr. Sullivan remove the needle

1 from the syringe and an RN attached a clean needle to the used syringe which Dr. Sullivan then used
2 to draw more Lidocaine from the multi-use vial.

3 5. The surveyor then witnessed Dr. Sullivan withdraw medication from a multi-dose
4 vial of Kenalog with a new syringe and needle. Dr. Sullivan then removed the needle, the RN placed
5 a new needle on the used syringe and Dr. Sullivan proceeded to withdraw more Kenalog from the
6 multi-dose vial.

7 6. The surveyor also witnessed Dr. Sullivan withdraw medication from a multi-dose vial
8 of Isovue 300 with a clean syringe and needle but then withdrew more medication with a new needle
9 but the same syringe.

10 **Count I**

11 7. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
12 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
13 under similar circumstances.

14 8. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds
15 for initiating disciplinary action against a licensee.

16 9. Dr. Sullivan failed to use the reasonable care, skill, or knowledge ordinarily used
17 under similar circumstances when he failed to follow safe infection control procedures and reused
18 syringes when withdrawing medication from multi-use vials of medication.

19 10. By reason of the foregoing, Dr. Sullivan is subject to discipline by the Nevada State
20 Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

21 **WHEREFORE**, the Investigative Committee prays:

22 1. That the Nevada State Board of Medical Examiners fix a time and place for a
23 formal hearing;

24 2. That the Nevada State Board of Medical Examiners give Dr. Sullivan notice of the
25 charges herein against him, the time and place set for the hearing, and the possible sanctions
26 against him;

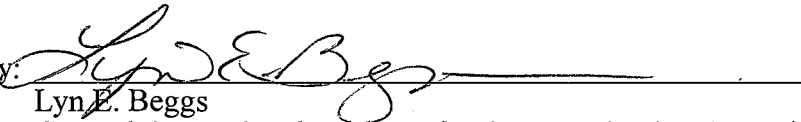
27 3. That the Nevada State Board of Medical Examiners determine what sanctions it
28 determines to impose for the violation or violations committed by Dr. Sullivan; and

1 4. That the Nevada State Board of Medical Examiners make, issue and serve on
2 Dr. Sullivan its findings of facts, conclusions of law and order, in writing, that includes the
3 sanctions imposed; and

4 5. That the Nevada State Board of Medical Examiners take such other and further
5 action as may be just and proper in these premises.

6 DATED this 18th day of February, 2009.

7
8 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

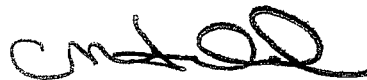
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10 By: 
11 Lyn E. Beggs
12 General Counsel and Attorney for the Investigative Committee
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VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 18th day of February, 2009.



CHARLES N. HELD, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 18th day of February 2009, I served a file copy of the COMPLAINT along with a SETTLEMENT, WAIVER & CONSENT AGREEMENT, by mailing via USPS certified return receipt mail to the following:

James H. Sullivan, M.D.
PO Box 689
Carson City, NV 89702

Dated this 18th day of February 2009.



Angelia Donohoe
Legal Assistant